



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Shigeto UCHIYAMA et al

Appln. No. 09/485,320

Group Art Unit: 1651

Filed: February 8, 2000

Examiner: Marx, I.

For: ISOFLAVINE-CONTAINING COMPOSITION

#9
A.G.J
3/11/02

STATEMENT OF AVAILABILITY

ASSISTANT COMMISSIONER
of Patents
Washington, D.C. 20231

Sir:

We, OTSUKA PHARMACEUTICAL CO., LTD., do depose, declare and state that:

We are the Assignee of the entire right, title and interest of the invention described and claimed in the above-identified application, as evidenced by the Assignment recorded on July 28, 2000, at REEL 010993, FRAME 0137.

We agree that upon allowance and issuance of the above-identified application into a United States Patent, restriction on availability of:

Bacteroides E-23-15 (Accession No. FERM BP-6435)

Streptococcus E-23-17 (Accession No. FERM BP-6436)

Streptococcus A6G-225 (Accession No. FERM BP-6437)

which are designated in the specification of the above-identified application and deposited at the National Institute of Bioscience and Human-Technology Agency of Industrial Science and Technology, 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken, 305-8566, JAPAN, on July 7, 1997, will be irrevocably removed.

STATEMENT OF AVAILABILITY
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We agree that the above-identified deposits designated in the above-identified application will be maintained for a period of 30 years or 5 years after the last request for the deposits or for the effective life of any patent which issues on the above-identified application, whichever is longer;

We agree that if the deposits becomes non-viable, they will be replaced; and

We also assure access to the deposits as determined by the Commissioner under 37 C.F.R. § 1.14.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

OTSUKA PHARMACEUTICAL CO., LTD.

Date: January 25, 2002

Name: Ichiro Otsuka
Name: Ichiro OTSUKA
Title: Managing Director